

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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R&R PARTNERS, INC., a Nevada
corporation, and LAS VEGAS
CONVENTION AND VISITORS
AUTHORITY, a Nevada governmental
agency,

Plaintiffs,

v.

DOROTHY TOVAR, an individual, and
ADRENALINE SPORTS, INC., a California
corporation,

Defendants.

03:04-CV-00145-LRH-PAL

ORDER

On August 10, 2006, this court granted summary judgment in the above titled case in favor of Las Vegas Convention and Visitors Authority (“LVCVA”). Following the entry of summary judgment, the parties have filed points and authorities outlining several issues still pending before the court (## 143, 145, 149, 152¹). In addition, defendant Dorothy Tovar (“Tovar”) has filed a Motion to Stay the Cancellation of her Trademark Registrations (# 144). LVCVA has filed an opposition (# 155), and Tovar replied (# 161).

The issues currently pending before the court are as follows: whether this court has the authority to cancel Tovar’s state trademark registrations, the entry of stipulated judgment against

¹Refers to the court’s docket number.

1 defendant Adrenaline Sports, Inc., Defendants' request for a declaration that R&R Partners, Inc.
2 cannot register "What Happens Here Stays Here" as a trademark, LVCVA's request for injunctive
3 relief, and whether LVCVA is entitled to profits, damages, costs, and attorney's fees, and what
4 amount, if any, is appropriate.

5 The parties have stipulated to the entry of judgment against defendant Adrenaline Sports,
6 Inc. In addition, the parties agree that this court has the authority to order the cancellation of
7 Tovar's state trademark registrations. Thus, the judgment entered in this case will reflect these
8 matters. It further appears that the parties may reach a stipulation with respect to the appropriate
9 injunctive relief in this case.² Thus, the court will not address this issue at this time.

10 With respect to the issue of whether R&R Partners, Inc. can register the "What Happens
11 Here Stays Here" mark, the court finds that Tovar lacks standing to challenge the registration. The
12 court has previously determined that LVCVA is the owner of the "What Happens Here Stays Here"
13 trademark. (August 10, 2006, Order (# 135) at 7.) Standing to challenge the registration of a
14 trademark requires that the challenging party believe that she would be damaged by the registration
15 of the mark. *See* 15 U.S.C. §§ 1063, 1064 (addressing the requirements of challenging trademark
16 registrations). Here, there is no indication that Tovar would be damaged from the use of the "What
17 Happens Here Stays Here" trademark. Because there is no indication that Tovar would be
18 damaged if R&R Partners, Inc. attempts to register LVCVA's trademark, Tovar does not have
19 standing to challenge the registration.

20 To resolve the outstanding issues relating to profits, damages, costs, and attorney's fees, the
21 court will hold a hearing on Wednesday, February 7, 2007, at 8:30 a.m. During this hearing, the
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23 ²Defendants have indicated they will "stipulate to an injunction enjoining them from (1) promoting,
24 marketing, offering for sale, or selling any goods on which the phrase 'What Happens in Vegas Stays in Vegas'
25 is affixed, (2) applying the phrase 'What Happens in Vegas Stays in Vegas' to any goods, and (3) publishing
26 any content on any website having the word 'Vegas' in the domain name." (Defs.' Resp. to Pl.'s Supplemental
Briefing (# 149) at 8.)

1 parties will have the opportunity to present argument on whether LVCVA is entitled to profits,
2 damages, costs, and attorney's fees and, if so, the proper amount of such an award. The parties
3 may also present evidence related to the proper amount, if any, of profits, damages, costs, and
4 attorney's fees. Finally, the parties will have the opportunity to present argument with respect to
5 Tovar's Motion to Stay Cancellation of her Trademark Registrations.

6 IT IS THEREFORE ORDERED that an evidentiary hearing is scheduled for Wednesday,
7 February 7, 2007, at 8:30 a.m. in Courtroom 5 of the Bruce R. Thompson United States
8 Courthouse.

9 IT IS SO ORDERED.

10 DATED this 4th day of January, 2007.



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13 LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE
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